

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

DONNA K. SOUTTER, *for herself and on behalf  
of other similarly situated individuals*

Plaintiff,

Civil Action No. 3:10-cv-107

v.

EQUIFAX INFORMATION SERVICES, LLC

Defendant.

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BRENDA ARNOLD and  
JOYCE RIDGLEY, *on behalf of themselves  
and all other similarly situated individuals,*

Plaintiffs,

Civil Action No. 3:15-cv-460

v.

EQUIFAX INFORMATION  
SERVICES, LLC

Defendant.

**DECLARATION OF LEONARD A. BENNETT**

I, Leonard A. Bennett, declare:

1. My name is Leonard A. Bennett. I am over 21 years of age, of sound mind, capable of executing this declaration, and have personal knowledge of the facts stated herein, and they are all true and correct.

2. I am one of the attorneys working on behalf of the Plaintiffs in the above styled litigation, and I am an attorney and a principal of Consumer Litigation Associates, P.C., a seven-attorney law firm with offices in Newport News, and Alexandria, Virginia. My primary office is at 763 J. Clyde Morris Blvd, Suite 1A, Newport News, Virginia 23601.

3. Since 1994, I have been and presently am a member in good standing of the Bar of the highest court of the Commonwealth of Virginia, where I regularly practice law. Additionally, since 1995, I have been and presently am a member in good standing of the Bar of the highest court of the State of North Carolina. I have also been admitted to practice before and am presently admitted to numerous other federal courts. I have also been admitted *pro hac vice* in United States District Courts across the country including Alabama, California, Louisiana, Florida, Rhode Island, Hawaii, New Hampshire, Connecticut, Ohio, South Carolina, Pennsylvania, Arizona, Massachusetts, Tennessee, Georgia, Wyoming, Texas, Washington and Maryland. I have never been denied admission *pro hac vice*.

4. I am on the Board of Directors of the National Association of Consumer Advocates, on the Partners Council of the National Consumer Law Center and a member of the Public Justice Foundation. I was selected to the Law Dragon Top 500 Plaintiffs Attorneys in the Nation. In 2010 I was selected to the Law Dragon Top 3,000 Attorneys in the Nation (all attorneys, not simply Plaintiffs). In 2009 I was selected as a Virginia Leaders in the Law through the Virginia Lawyers Weekly based on my "[n]ationally recognized expertise in consumer protection law." I am a current and multiple year Virginia Super Lawyer. I have been invited to and did testify before the United States House Financial Services Committee on multiple occasions. I have also been invited to and did serve on a Federal Trade Commission Round Table and Governor Kaine's Virginia *Protecting Consumer Privacy* Working Group, all in this field.

5. Since 2001, I have been asked to and did speak at numerous CLE programs, seminars and events in the area of Consumer Credit Protection litigation, including regarding the prosecution of FCRA cases.<sup>1</sup>

6. I have litigated dozens of class action cases based on consumer protection claims in the past decade. In each of the class cases where I have represented plaintiffs in a consumer credit case, the Court found me to be adequate class counsel.<sup>2</sup> In each of these, I served in a lead

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<sup>1</sup> National Consumer Law Center, Consumer Rights Conference, Washington, D.C., Speaker for Multiple Sessions (November 2013); National Consumer Law Center, Fair Debt Collection Practices Act Conference, Fair Credit Reporting Act Claims Against Debt Buyers, March 2013; National Association of Consumer Advocates, Webinar CLE: FCRA Dispute Process, December 2012; Rosedale CLE, Fair Credit Reporting Act (August 2012); Virginia Trial Lawyers Association, Advocacy Seminar - October, 2011; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference - Memphis, TN, May 2011; Stafford Publications CLE, National Webinar, "FCRA and FACTA Class Actions: Leveraging New Developments in Certification, Damages and Preemption" (April 2011); National Consumer Law Center, National Consumer Rights Conference, Boston, Speaker for Multiple Sessions, November, 2010; Virginia State Bar, Telephone and Webinar Course, Virginia, 2009; "What's Going On Here? Surging Consumer Litigation - Including Class Actions in State and Federal Court"; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, Chicago, IL, May 2009; National Consumer Law Center, National Consumer Rights Conference, Philadelphia, Speaker for Multiple Sessions, November 2009; National Consumer Law Center, National Consumer Rights Conference, Portland, OR, Speaker for Multiple Sessions, November 2008; Washington State Bar, Consumer Law CLE, Speaker, September 2008; Washington State Bar, Consumer Law CLE, Speaker, July 2007; House Financial Services Committee, June 2007; National Consumer Law Center, National Consumer Rights Conference, Washington, D.C., Speaker for Multiple Sessions, November 2007; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference; Denver, Colorado, May 2007, Multiple Panels; U.S. Army JAG School, Charlottesville, Virginia, Consumer Law Course Instructor, May 2007; Georgia State Bar, Consumer Law CLE, Speaker, March 2007; Contributing Author, Fair Credit Reporting Act, Sixth Edition, National Consumer Law Center, 2006; National Consumer Law Center, National Consumer Rights Conference, Miami, FL, Speaker for Multiple Sessions, November 2006; Texas State Bar, Consumer Law CLE, Speaker, October 2006 Federal Claims in Auto fraud Litigation; Santa Clara University Law School, Course, March 2006; Fair Credit Reporting Act; Widener University Law School, Course, March 2006 Fair Credit Reporting Act; United States Navy, Navy Legal Services, Norfolk, Virginia, April 2006 Auto Fraud; Missouri State Bar CLE, Oklahoma City, Oklahoma; Identity Theft; National Consumer Law Center, National Consumer Rights Conference, Boston, Mass, Multiple panels; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, New Orleans, Louisiana (May 2005), Multiple Panels; United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island, Consumer Law; American Bar Association, Telephone Seminar; Changing Faces of Consumer Law, National Consumer Law Center, National Consumer Rights Conference, Boston, Mass; Fair Credit Reporting Act Experts Panel; and ABCs of the Fair Credit Reporting Act; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, Chicago, Illinois; Multiple Panels; Oklahoma State Bar CLE, Oklahoma City, Oklahoma, Identity Theft; Virginia State Bar, Telephone Seminar, Identity Theft; United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island, Consumer Law; United States Navy, Navy Legal Services, Norfolk, Virginia, Auto Fraud; Virginia State Bar, Richmond and Fairfax, Virginia, Consumer Protection Law; Michigan State Bar, Consumer Law Section, Ann Arbor, Michigan; *Keynote Speaker*.

<sup>2</sup> See, e.g., *Soutter v. Equifax Info. Servs., LLC*, 3:10CV107, 2011 WL 1226025, at \*10 (E.D. Va. Mar. 30, 2011) ("[T]he Court finds that Soutter's counsel is qualified, experienced, and able to conduct this litigation. Counsel is experienced in class action work, as well as consumer protection issues, and has been approved by this Court and others as class counsel in numerous cases."); see also *Williams v. Lexis-Nexis Risk Mgt.*, No. 3:06CV241 (E.D. Va.

or executive committee counsel role. I am also one of the lead counsel in the present case, *Soutter v. Equifax Information Services, LLC*. Additionally, with respect to the Fair Credit Reporting Act specifically, I have litigated numerous and substantial class cases to a successful conclusion.<sup>3</sup> I am also involved in the following cases filed as a class action that are currently pending and either awaiting class certification or are awaiting final approval of the class settlement.<sup>4</sup>

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2008); *Beverly v. Wal-Mart*, No. 3:07Cv469 (E.D. Va. 2007); *Capetta v. GC Servs., Inc.*, No. 3:02cv288 (E.D. Va.); *Ryals v. HireRight Solutions Inc.*, No. 3:09CV625 (E.D. Va.), *Daily v. NCO*, No. 3:09CV031 (E.D. Va. 2011); *Conley v. First Tennessee*, No. 1:10CV1247-TSE (E.D. Va.); *Lengrand v. Wellpoint*, No. 3:11CV333-HEH (E.D. Va.); *Henderson v. Verifications Inc.*, No. 3:11CV514-REP (E.D. Va. 2013); *Pitt v. K-Mart Corp.*, No. 3:11CV697 (E.D. Va. May 24, 2013); *James v. Experian Info. Solutions, Inc.*, No. 3:12CV902 (E.D. Va. Oct. 29, 2014); *Thomas v. Wittstadt*, Civ. No. 3:12CV450 (E.D. Va. 2013); *Shami v. Middle East Broadcast Network*, No. 1:13CV467-CMH (E.D. Va. April 30, 2014); *Roe v. Intellicorp, Inc.*, No. 1:12CV2288-JG (N.D. Ohio June 5, 2014); *Reardon v. ClosetMaid, Inc.*, No. 2:08CV1730 (W.D. Pa. June 13, 2014); *Goodrow v. Freidman & MacFadyen*, No. 3:11CV20 (E.D. Va. June 4, 2014); *Berry v. LexisNexis Risk & Info. Analytic Solutions, Inc.*, No. 3:11CV274 (E.D. Va. Sept. 5, 2104); *Edwards v. Horizon Staffing, Inc.*, No. 1:13cv3002 (N.D. Ga. Jan. 2, 2015); *Marcum v. Dolgencorp*, 3:12CV108 (E.D. Va.); *Kelly v. Nationstar Mortg., LLC*, 3:13CV311 (E.D. Va.); *Wyatt v. SunTrust Bank*, 3:13CV662 (E.D. Va.).

<sup>3</sup> *Black v. Winn-Dixie Stores, Inc.*, No. 3:09cv502 (M.D. Fla.); *Capetta v. GC Servs. LP*, No. 3:08cv288-JRS (E.D. Va.); *Henderson v. Verifications Inc.*, No. 3:11cv514 (E.D. Va.); *Harris v. U.S. Physical Therapy, Inc.*, No. 2:10cv1508 (D. NV.); *Domonoske v. Bank of America, N.A.*, No. 5:08cv66 (W.D. Va.); *Makson v. Portfolio Recovery Assoc., Inc.*, No. 3:07cv982-HEH (E.D. Va.); *Reed v. Icon Fitness, Inc., et al.*, No. 3:08cv547 (E.D. Va.); *Gladden v. Navy Federal Credit Union*, No. 3:08cv304 (E.D. Va.); *Smith v. Talecris Biotherapeutics, Inc.*, No. 1:09cv153 (M.D.N.C. July 7, 2010); *Daily v. NCO Financial*, No. 3:09cv31-JAG (E.D. Va.); *Jose Hernandez v. Equifax Information Services, LLC, et al.*, No. 2:06cv3924 (C.D. Cal.) consolidated with *White, et al. v. Experian Information Solutions, Inc., et al.*, No. 8:05cv1070 (C.D. Cal.); *Conley v. First Tennessee Bank, N.A.*, No. 1:10cv1247 (E.D. Va.); *Lengrand v. Wellpoint*, No. 3:11cv333 (E.D. Va.); *Linares v. First Equity Card Corp.*, No. 3:05cv103 (E.D. Va.); *Martin v. United Auto Credit, et al.*, No. 3:05cv143 (E.D. Va.); *Silva v. Haynes Furniture*, No. 4:04cv82 (E.D. Va.); *Wilder v. Triad Financial Corp.*, No. 3:03cv863 (E.D. Va.); *Mayfield v. Memberstrust Credit Union*, No. 3:07cv506 (E.D. Va.); *Henderson, et al. v. Backgroundchecks.com*, No. 3:13cv29 (E.D. Va.); *Bell v. U.S. Express, Inc.*, No. 1:11cv181 (E.D. Tenn.); and *Soutter v. Trans Union, LLC*, 3:10cv514 (E.D. Va.).

<sup>4</sup> *Henderson v. Corelogic, Inc. et al.*, No. 3:12cv97 (E.D. Va.) (still in litigation); *Milbourne v. JRK Residential America, LLC*, 3:12cv861 (still in litigation); *Dreher v. Experian Information Solutions, Inc.*, 3:11cv642 (E.D. Va.) (appeal pending); *Jenkins v. RealPage, Inc.*, No. 2:15cv3894 (E.D. Pa.) (still in litigation); *Ceccone v. Equifax Information Services, LLC*, No. 1:13cv1314 (D.D.C.) (still in litigation); *Henderson, et al. v. Trans Union, LLC, et al.*, No. 3:14cv679 (E.D. Va.) (still in litigation); *Brown, et al. v. Cavalry Portfolio Services, LLC*, No. 3:14cv466 (E.D. Va.) (still in litigation); *Hollifield v. DirecTV, LLC, et al.*, No. 2:14cv7622 (C.D. Cal.) (still in litigation); *Jenkins, et al. v. Equifax Information Services, LLC*, No. 3:15cv443 (E.D. Va.) (still in litigation); *Johnson v. NCR Corporation, et al.*, No. 1:15cv2261 (N.D. Ga.) (still in litigation); *Moore, et al. v. Shapiro & Burson, LLP*, No. 3:14cv832 (E.D. Va.) (still in litigation); *Oliver v. FirstPoint, Inc.*, No. 1:14cv517 (M.D.N.C.) (still in litigation); and *Witt, et al. v. Corelogic SafeRent, LLC, et al.*, No. 3:15cv386 (E.D. Va.) (still in litigation).

7. In addition to my leadership roles in various class actions, I was the primary author of the comprehensive treatise “*Fair Credit Reporting*” published by National Consumer Law Center and used by judges and advocates nationally.

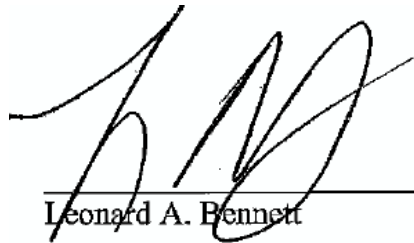
8. My law partner, Matthew J. Erausquin, is also working on behalf of the Class in the above-styled litigation. Mr. Erausquin is a trial attorney with more than 10 years of experience. He has served in a critical role leading the discovery teams in many of the national class actions in which I have litigated. He is licensed to practice law in Virginia and California and is admitted to practice in multiple federal district courts.

9. While Plaintiffs strongly believe in their case, they also appreciate the litigation risk presented by Equifax’s defenses. The Defendant was prepared to contest, among other things, the merits of Plaintiffs’ claims and willfulness. Defendant’s positions, particularly with regard to willfulness, were always front- and-center during the Parties’ settlement negotiations.

10. Considering the strengths and weaknesses of Plaintiffs’ claims and the substantive defenses, Plaintiffs concluded that settlement was appropriate to secure substantial relief—which includes the unprecedented relief of the deletion of their Virginia General District Court judgments from their credit reports, four years of credit monitoring or a \$180 cash payment, the ability to claim into a \$3 million cash fund, and the right to reserve their actual damages claim—for the Class while avoiding the risk of a defense victory. Plaintiffs’ Counsel was persistent in staying the course and achieving the best possible result for the class including, if necessary, a trial on the merits. But Plaintiffs’ Counsel also appreciates the risk, cost and delay associated with continued litigation and the advantages of immediate relief.

I declare under penalty of perjury of the laws of the United States that the foregoing is correct.

Signed this 7th day of December, 2015.



Leonard A. Bennett